

## **HOUSE BILL No. 1728**

DIGEST OF HB 1728 (Updated February 18, 2003 3:07 PM - DI 92)

Citations Affected: IC 6-3; IC 6-5.5; noncode.

**Synopsis:** Revenue update. Indicates that the term "Internal Revenue Code" refers to the federal Internal Revenue Code as it existed on January 1, 2003. Requires bonus depreciation to be added back to federal adjusted gross income for purposes of determining taxable state adjusted gross income for purposes of the adjusted gross income tax and the financial institutions tax.

Effective: January 1, 2002 (retroactive); January 1, 2003 (retroactive).

## Crawford, Cochran

January 21, 2003, read first time and referred to Committee on Ways and Means. February 18, 2003, amended, reported — Do Pass.





First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## **HOUSE BILL No. 1728**

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 6-3-1-3.5, AS AMENDED BY P.L.192-2002(ss)
SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JANUARY 1, 2003 (RETROACTIVE)]: Sec. 3.5. When used in this
article, the term "adjusted gross income" shall mean the following:

- (a) In the case of all individuals, "adjusted gross income" (as defined in Section 62 of the Internal Revenue Code), modified as follows:
  - (1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.
  - (2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 62 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.
  - (3) Subtract one thousand dollars (\$1,000), or in the case of a joint return filed by a husband and wife, subtract for each spouse one thousand dollars (\$1,000).
- 17 (4) Subtract one thousand dollars (\$1,000) for:

HB 1728—LS 7573/DI 51+



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1	(A) each of the exemptions provided by Section 151(c) of the
2	Internal Revenue Code;
3	(B) each additional amount allowable under Section 63(f) of
4	the Internal Revenue Code; and
5	(C) the spouse of the taxpayer if a separate return is made by
6	the taxpayer and if the spouse, for the calendar year in which
7	the taxable year of the taxpayer begins, has no gross income
8	and is not the dependent of another taxpayer.
9	(5) Subtract:
10	(A) one thousand five hundred dollars (\$1,500) for each of the
11	exemptions allowed under Section 151(c)(1)(B) of the Internal
12	Revenue Code for taxable years beginning after December 31,
13	1996; and
14	(B) five hundred dollars (\$500) for each additional amount
15	allowable under Section 63(f)(1) of the Internal Revenue Code
16	if the adjusted gross income of the taxpayer, or the taxpayer
17	and the taxpayer's spouse in the case of a joint return, is less
18	than forty thousand dollars (\$40,000).
19	This amount is in addition to the amount subtracted under
20	subdivision (4).
21	(6) Subtract an amount equal to the lesser of:
22	(A) that part of the individual's adjusted gross income (as
23	defined in Section 62 of the Internal Revenue Code) for that
24	taxable year that is subject to a tax that is imposed by a
25	political subdivision of another state and that is imposed on or
26	measured by income; or
27	(B) two thousand dollars (\$2,000).
28	(7) Add an amount equal to the total capital gain portion of a
29	lump sum distribution (as defined in Section 402(e)(4)(D) of the
30	Internal Revenue Code) if the lump sum distribution is received
31	by the individual during the taxable year and if the capital gain
32	portion of the distribution is taxed in the manner provided in
33	Section 402 of the Internal Revenue Code.
34	(8) Subtract any amounts included in federal adjusted gross
35	income under Section 111 of the Internal Revenue Code as a
36	recovery of items previously deducted as an itemized deduction
37	from adjusted gross income.
38	(9) Subtract any amounts included in federal adjusted gross
39	income under the Internal Revenue Code which amounts were
40	received by the individual as supplemental railroad retirement
41	annuities under 45 U.S.C. 231 and which are not deductible under



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subdivision (1).

1	(10) Add an amount equal to the deduction allowed under Section
2	221 of the Internal Revenue Code for married couples filing joint
3	returns if the taxable year began before January 1, 1987.
4	(11) Add an amount equal to the interest excluded from federal
5	gross income by the individual for the taxable year under Section
6	128 of the Internal Revenue Code if the taxable year began before
7	January 1, 1985.
8	(12) Subtract an amount equal to the amount of federal Social
9	Security and Railroad Retirement benefits included in a taxpayer's
10	federal gross income by Section 86 of the Internal Revenue Code.
11	(13) In the case of a nonresident taxpayer or a resident taxpayer
12	residing in Indiana for a period of less than the taxpayer's entire
13	taxable year, the total amount of the deductions allowed pursuant
14	to subdivisions (3), (4), (5), and (6) shall be reduced to an amount
15	which bears the same ratio to the total as the taxpayer's income
16	taxable in Indiana bears to the taxpayer's total income.
17	(14) In the case of an individual who is a recipient of assistance
18	under IC 12-10-6-1, IC 12-10-6-2, IC 12-15-2-2, or IC 12-15-7,
19	subtract an amount equal to that portion of the individual's
20	adjusted gross income with respect to which the individual is not
21	allowed under federal law to retain an amount to pay state and
22	local income taxes.
23	(15) In the case of an eligible individual, subtract the amount of
24	a Holocaust victim's settlement payment included in the
25	individual's federal adjusted gross income.
26	(16) For taxable years beginning after December 31, 1999,
27	subtract an amount equal to the portion of any premiums paid
28	during the taxable year by the taxpayer for a qualified long term
29	care policy (as defined in IC 12-15-39.6-5) for the taxpayer or the
30	taxpayer's spouse, or both.
31	(17) Subtract an amount equal to the lesser of:
32	(A) two thousand five hundred dollars (\$2,500); or
33	(B) the amount of property taxes that are paid during the
34	taxable year in Indiana by the individual on the individual's
35	principal place of residence.
36	(18) Subtract an amount equal to the amount of a September 11
37	terrorist attack settlement payment included in the individual's
38	federal adjusted gross income.
39	(19) Add an amount equal to that part of any depreciation
40	allowance allowed in computing the taxpayer's federal
41	adjusted gross income that is attributable to the additional
42	first-year special depreciation allowance (bonus depreciation)





1	for qualified property allowed under Section 168(k) of the
2	Internal Revenue Code.
3	(b) In the case of corporations, the same as "taxable income" (as
4	defined in Section 63 of the Internal Revenue Code) adjusted as
5	follows:
6	(1) Subtract income that is exempt from taxation under this article
7	by the Constitution and statutes of the United States.
8	(2) Add an amount equal to any deduction or deductions allowed
9	or allowable pursuant to Section 170 of the Internal Revenue
10	Code.
11	(3) Add an amount equal to any deduction or deductions allowed
12	or allowable pursuant to Section 63 of the Internal Revenue Code
13	for taxes based on or measured by income and levied at the state
14	level by any state of the United States.
15	(4) Subtract an amount equal to the amount included in the
16	corporation's taxable income under Section 78 of the Internal
17	Revenue Code.
18	(5) Add an amount equal to that part of any depreciation
19	allowance allowed in computing the taxpayer's federal
20	adjusted gross income that is attributable to the additional
21	first-year special depreciation allowance (bonus depreciation)
22	for qualified property allowed under Section 168(k) of the
23	Internal Revenue Code.
24	(c) In the case of life insurance companies (as defined in Section
25	816(a) of the Internal Revenue Code) that are organized under Indiana
26	law, the same as "life insurance company taxable income" (as defined
27	in Section 801 of the Internal Revenue Code), adjusted as follows:
28	(1) Subtract income that is exempt from taxation under this article
29	by the Constitution and statutes of the United States.
30	(2) Add an amount equal to any deduction allowed or allowable
31	under Section 170 of the Internal Revenue Code.
32	(3) Add an amount equal to a deduction allowed or allowable
33	under Section 805 or Section 831(c) of the Internal Revenue Code
34	for taxes based on or measured by income and levied at the state
35	level by any state.
36	(4) Subtract an amount equal to the amount included in the
37	company's taxable income under Section 78 of the Internal
38	Revenue Code.
39	(5) Add an amount equal to that part of any depreciation
40	allowance allowed in computing the taxpayer's federal
41	adjusted gross income that is attributable to the additional
42	first-year special depreciation allowance (bonus depreciation)



1	for qualified property allowed under Section 168(k) of the
2	Internal Revenue Code.
3	(d) In the case of insurance companies subject to tax under Section
4	831 of the Internal Revenue Code and organized under Indiana law, the
5	same as "taxable income" (as defined in Section 832 of the Internal
6	Revenue Code), adjusted as follows:
7	(1) Subtract income that is exempt from taxation under this article
8	by the Constitution and statutes of the United States.
9	(2) Add an amount equal to any deduction allowed or allowable
10	under Section 170 of the Internal Revenue Code.
11	(3) Add an amount equal to a deduction allowed or allowable
12	under Section 805 or Section 831(c) of the Internal Revenue Code
13	for taxes based on or measured by income and levied at the state
14	level by any state.
15	(4) Subtract an amount equal to the amount included in the
16	company's taxable income under Section 78 of the Internal
17	Revenue Code.
18	(5) Add an amount equal to that part of any depreciation
19	allowance allowed in computing the taxpayer's federal
20	adjusted gross income that is attributable to the additional
21	first-year special depreciation allowance (bonus depreciation)
22	for qualified property allowed under Section 168(k) of the
23	Internal Revenue Code.
24	(e) In the case of trusts and estates, "taxable income" (as defined for
25	trusts and estates in Section 641(b) of the Internal Revenue Code)
26	reduced by: adjusted as follows:
27	(1) Subtract income that is exempt from taxation under this
28	article by the Constitution and statutes of the United States. and
29	(2) <b>Subtract</b> an amount equal to the amount of a September 11
30	terrorist attack settlement payment included in the federal
31	adjusted gross income of the estate of a victim of the September
32	11 terrorist attack or a trust to the extent the trust benefits a victim
33	of the September 11 terrorist attack.
34	(3) Add an amount equal to that part of any depreciation
35	allowance allowed in computing the taxpayer's federal
36	adjusted gross income that is attributable to the additional
37	first-year special depreciation allowance (bonus depreciation)
38	for qualified property allowed under Section 168(k) of the
39	Internal Revenue Code.
40	SECTION 2. IC 6-3-1-11, AS AMENDED BY P.L.192-2002(ss),
41	SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42	JANUARY 1, 2003 (RETROACTIVE)]: Sec. 11. (a) The term "Internal



1	Revenue Code" means the Internal Revenue Code of 1986 of the
2	United States as amended and in effect on January 1, <del>2002.</del> <b>2003.</b>
3	(b) Whenever the Internal Revenue Code is mentioned in this
4	article, the particular provisions that are referred to, together with all
5	the other provisions of the Internal Revenue Code in effect on January
6	1, <del>2002,</del> <b>2003,</b> that pertain to the provisions specifically mentioned,
7	shall be regarded as incorporated in this article by reference and have
8	the same force and effect as though fully set forth in this article. To the
9	extent the provisions apply to this article, regulations adopted under
10	Section 7805(a) of the Internal Revenue Code and in effect on January
11	1, <del>2002,</del> <b>2003,</b> shall be regarded as rules adopted by the department
12	under this article, unless the department adopts specific rules that
13	supersede the regulation.
14	(c) An amendment to the Internal Revenue Code made by an act
15	passed by Congress before January 1, <del>2002,</del> <b>2003,</b> that is effective for
16	any taxable year that began before January 1, 2002, 2003, and that
17	affects:
18	(1) individual adjusted gross income (as defined in Section 62 of
19	the Internal Revenue Code);
20	(2) corporate taxable income (as defined in Section 63 of the
21	Internal Revenue Code);
22	(3) trust and estate taxable income (as defined in Section 641(b)
23	of the Internal Revenue Code);
24	(4) life insurance company taxable income (as defined in Section
25	801(b) of the Internal Revenue Code);
26	(5) mutual insurance company taxable income (as defined in
27	Section 821(b) of the Internal Revenue Code); or
28	(6) taxable income (as defined in Section 832 of the Internal
29	Revenue Code);
30	is also effective for that same taxable year for purposes of determining
31	adjusted gross income under section 3.5 of this chapter.
32	SECTION 3. IC 6-5.5-1-2, AS AMENDED BY P.L.273-1999,
33	SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34	JANUARY 1, 2003 (RETROACTIVE)]: Sec. 2. (a) Except as provided
35	in subsections (b) through (d), "adjusted gross income" means taxable
36	income as defined in Section 63 of the Internal Revenue Code, adjusted
37	as follows:
38	(1) Add the following amounts:
39	(A) An amount equal to a deduction allowed or allowable
40	under Section 166, Section 585, or Section 593 of the Internal

(B) An amount equal to a deduction allowed or allowable



Revenue Code.



1	under Section 170 of the Internal Revenue Code.
2	(C) An amount equal to a deduction or deductions allowed or
3	allowable under Section 63 of the Internal Revenue Code for
4	taxes based on or measured by income and levied at the state
5	level by a state of the United States or levied at the local level
6	by any subdivision of a state of the United States.
7	(D) The amount of interest excluded under Section 103 of the
8	Internal Revenue Code or under any other federal law, minus
9	the associated expenses disallowed in the computation of
.0	taxable income under Section 265 of the Internal Revenue
. 1	Code.
2	(E) An amount equal to the deduction allowed under Section
3	172 or 1212 of the Internal Revenue Code for net operating
4	losses or net capital losses.
.5	(F) For a taxpayer that is not a large bank (as defined in
.6	Section 585(c)(2) of the Internal Revenue Code), an amount
.7	equal to the recovery of a debt, or part of a debt, that becomes
. 8	worthless to the extent a deduction was allowed from gross
9	income in a prior taxable year under Section 166(a) of the
20	Internal Revenue Code.
21	(G) An amount equal to that part of any depreciation
22	allowance allowed in computing the taxpayer's federal
23	adjusted gross income that is attributable to the additional
24	first-year special depreciation allowance (bonus
25	depreciation) for qualified property allowed under Section
26	168(k) of the Internal Revenue Code.
27	(2) Subtract the following amounts:
28	(A) Income that the United States Constitution or any statute
29	of the United States prohibits from being used to measure the
30	tax imposed by this chapter.
31	(B) Income that is derived from sources outside the United
32	States, as defined by the Internal Revenue Code.
33	(C) An amount equal to a debt or part of a debt that becomes
34	worthless, as permitted under Section 166(a) of the Internal
35	Revenue Code.
86	(D) An amount equal to any bad debt reserves that are
37	included in federal income because of accounting method
88	changes required by Section 585(c)(3)(A) or Section 593 of
39	the Internal Revenue Code.
10	(b) In the case of a credit union, "adjusted gross income" for a
1	taxable year means the total transfers to undivided earnings minus

dividends for that taxable year after statutory reserves are set aside



1	under IC 28-7-1-24.	
2	(c) In the case of an investment company, "adjusted gross income"	
3	means the company's federal taxable income multiplied by the quotient	
4	of:	
5	(1) the aggregate of the gross payments collected by the company	
6	during the taxable year from old and new business upon	
7	investment contracts issued by the company and held by residents	
8	of Indiana; divided by	
9	(2) the total amount of gross payments collected during the	
10	taxable year by the company from the business upon investment	
11	contracts issued by the company and held by persons residing	
12	within Indiana and elsewhere.	
13	(d) As used in subsection (c), "investment company" means a	
14	person, copartnership, association, limited liability company, or	
15	corporation, whether domestic or foreign, that:	
16	(1) is registered under the Investment Company Act of 1940 (15	
17	U.S.C. 80a-1 et seq.); and	
18	(2) solicits or receives a payment to be made to itself and issues	
19	in exchange for the payment:	
20	(A) a so-called bond;	
21	(B) a share;	
22	(C) a coupon;	
23	(D) a certificate of membership;	
24	(E) an agreement;	
25	(F) a pretended agreement; or	
26	(G) other evidences of obligation;	,
27	entitling the holder to anything of value at some future date, if the	
28	gross payments received by the company during the taxable year	
29	on outstanding investment contracts, plus interest and dividends	
30	earned on those contracts (by prorating the interest and dividends	
31	earned on investment contracts by the same proportion that	
32	certificate reserves (as defined by the Investment Company Act	
33	of 1940) is to the company's total assets) is at least fifty percent	
34	(50%) of the company's gross payments upon investment	
35	contracts plus gross income from all other sources except	
36	dividends from subsidiaries for the taxable year. The term	
37	"investment contract" means an instrument listed in clauses (A)	
38	through (G).	
39	SECTION 4. [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)]	
40	(a) As used in this SECTION, "Internal Revenue Code" has the	
41	meaning set forth in IC 6-3-1-11, as amended by this act.	
42	(b) IC 6-3-1-11, as amended by this act, does not authorize a	



of adjusted gross income for a taxable year that began before January 1, 2003, to deduct any part of a depreciation allowance	
allowed in computing the taxpayer's federal adjusted gross income that is attributable to the additional first-year special depreciation	
allowance (bonus depreciation) for qualified property allowed under Section 168(k) of the Internal Revenue Code for that taxable	
year. (c) For a taxable year beginning in 2002 or 2003, an individual	
whose determination under IC 6-3-1-3.5 of adjusted gross income	
for the taxable year includes the deduction under Section	
62(a)(2)(D) of the Internal Revenue Code is treated as having complied with IC 6-3.	
SECTION 5. [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]	
IC 6-3-1-3.5, IC 6-3-1-11, and IC 6-5.5-1-2, all as amended by this	
act, apply only to taxable years beginning after December 31, 2002. SECTION 6. An emergency is declared for this act.	
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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1728, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, delete lines 39 through 42, begin a new line block indented and insert:

"(19) Add an amount equal to that part of any depreciation allowance allowed in computing the taxpayer's federal adjusted gross income that is attributable to the additional first-year special depreciation allowance (bonus depreciation) for qualified property allowed under Section 168(k) of the Internal Revenue Code.".

Page 4, delete lines 16 through 19, begin a new line block indented and insert:

"(5) Add an amount equal to that part of any depreciation allowance allowed in computing the taxpayer's federal adjusted gross income that is attributable to the additional first-year special depreciation allowance (bonus depreciation) for qualified property allowed under Section 168(k) of the **Internal Revenue Code.**".

Page 4, line 35, delete lines 35 through 38, begin a new line block indented and insert:

"(5) Add an amount equal to that part of any depreciation allowance allowed in computing the taxpayer's federal adjusted gross income that is attributable to the additional first-year special depreciation allowance (bonus depreciation) for qualified property allowed under Section 168(k) of the **Internal Revenue Code.**".

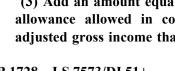
Page 5, delete lines 12 through 15, begin a new line block indented and insert:

"(5) Add an amount equal to that part of any depreciation allowance allowed in computing the taxpayer's federal adjusted gross income that is attributable to the additional first-year special depreciation allowance (bonus depreciation) for qualified property allowed under Section 168(k) of the Internal Revenue Code.".

Page 5, delete lines 26 through 29, begin a new line block indented and insert:

"(3) Add an amount equal to that part of any depreciation allowance allowed in computing the taxpayer's federal adjusted gross income that is attributable to the additional

HB 1728-LS 7573/DI 51+







first-year special depreciation allowance (bonus depreciation) for qualified property allowed under Section 168(k) of the Internal Revenue Code.".

Page 6, between lines 21 and 22, begin a new paragraph and insert: "SECTION 3. IC 6-5.5-1-2, AS AMENDED BY P.L.273-1999, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]: Sec. 2. (a) Except as provided in subsections (b) through (d), "adjusted gross income" means taxable income as defined in Section 63 of the Internal Revenue Code, adjusted as follows:

- (1) Add the following amounts:
  - (A) An amount equal to a deduction allowed or allowable under Section 166, Section 585, or Section 593 of the Internal Revenue Code.
  - (B) An amount equal to a deduction allowed or allowable under Section 170 of the Internal Revenue Code.
  - (C) An amount equal to a deduction or deductions allowed or allowable under Section 63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by a state of the United States or levied at the local level by any subdivision of a state of the United States.
  - (D) The amount of interest excluded under Section 103 of the Internal Revenue Code or under any other federal law, minus the associated expenses disallowed in the computation of taxable income under Section 265 of the Internal Revenue Code.
  - (E) An amount equal to the deduction allowed under Section 172 or 1212 of the Internal Revenue Code for net operating losses or net capital losses.
  - (F) For a taxpayer that is not a large bank (as defined in Section 585(c)(2) of the Internal Revenue Code), an amount equal to the recovery of a debt, or part of a debt, that becomes worthless to the extent a deduction was allowed from gross income in a prior taxable year under Section 166(a) of the Internal Revenue Code.
  - (G) An amount equal to that part of any depreciation allowance allowed in computing the taxpayer's federal adjusted gross income that is attributable to the additional first-year special depreciation allowance (bonus depreciation) for qualified property allowed under Section 168(k) of the Internal Revenue Code.
- (2) Subtract the following amounts:

- (A) Income that the United States Constitution or any statute of the United States prohibits from being used to measure the tax imposed by this chapter.
- (B) Income that is derived from sources outside the United States, as defined by the Internal Revenue Code.
- (C) An amount equal to a debt or part of a debt that becomes worthless, as permitted under Section 166(a) of the Internal Revenue Code.
- (D) An amount equal to any bad debt reserves that are included in federal income because of accounting method changes required by Section 585(c)(3)(A) or Section 593 of the Internal Revenue Code.
- (b) In the case of a credit union, "adjusted gross income" for a taxable year means the total transfers to undivided earnings minus dividends for that taxable year after statutory reserves are set aside under IC 28-7-1-24.
- (c) In the case of an investment company, "adjusted gross income" means the company's federal taxable income multiplied by the quotient of:
  - (1) the aggregate of the gross payments collected by the company during the taxable year from old and new business upon investment contracts issued by the company and held by residents of Indiana; divided by
  - (2) the total amount of gross payments collected during the taxable year by the company from the business upon investment contracts issued by the company and held by persons residing within Indiana and elsewhere.
- (d) As used in subsection (c), "investment company" means a person, copartnership, association, limited liability company, or corporation, whether domestic or foreign, that:
  - (1) is registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.); and
  - (2) solicits or receives a payment to be made to itself and issues in exchange for the payment:
    - (A) a so-called bond;
    - (B) a share;
    - (C) a coupon;
    - (D) a certificate of membership;
    - (E) an agreement;
    - (F) a pretended agreement; or
    - (G) other evidences of obligation;

entitling the holder to anything of value at some future date, if the



C o p gross payments received by the company during the taxable year on outstanding investment contracts, plus interest and dividends earned on those contracts (by prorating the interest and dividends earned on investment contracts by the same proportion that certificate reserves (as defined by the Investment Company Act of 1940) is to the company's total assets) is at least fifty percent (50%) of the company's gross payments upon investment contracts plus gross income from all other sources except dividends from subsidiaries for the taxable year. The term "investment contract" means an instrument listed in clauses (A) through (G).

SECTION 4. [EFFECTIVE JANUARY 1, 2002 (RETROACTIVE)] (a) As used in this SECTION, "Internal Revenue Code" has the meaning set forth in IC 6-3-1-11, as amended by this act.

- (b) IC 6-3-1-11, as amended by this act, does not authorize a taxpayer, in the determination under:
  - (1) IC 6-3-1-3.5; or
  - (2) IC 6-5.5-1-2;

of adjusted gross income for a taxable year that began before January 1, 2003, to deduct any part of a depreciation allowance allowed in computing the taxpayer's federal adjusted gross income that is attributable to the additional first-year special depreciation allowance (bonus depreciation) for qualified property allowed under Section 168(k) of the Internal Revenue Code for that taxable year.

(c) For a taxable year beginning in 2002 or 2003, an individual whose determination under IC 6-3-1-3.5 of adjusted gross income for the taxable year includes the deduction under Section 62(a)(2)(D) of the Internal Revenue Code is treated as having complied with IC 6-3.".

Page 6, line 23, delete "and" and insert ",".

Page 6, line 23, delete ", both" and insert ", and IC 6-5.5-1-2, all". Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1728 as introduced.)

Committee Vote: yeas 23, nays 0.

CRAWFORD, Chair









